

By: David A. Santilli, Esquire
Identification No. 59097
Baginski, Mezzanotte, Hasson and Rubinate
Suite 500 - Public Ledger Building
150 South Independence Mall West
Philadelphia, PA 19106-3476
215-627-3087

ATTORNEY FOR DEFENDANT:

Mr. William Pinamont and Bernadette
Pinamont

KAREN and FLOYD JORDAN, h/w	:	CIVIL ACTION – LAW
Plaintiffs		
vs.	:	TRIAL DIVISION
WILLIAM and BERNADETTE PINAMONT,	:	NO. 06-CV-3091
h/w		
Defendants	:	

ORDER

AND NOW, this day of , 2007, upon consideration of defendants' Motion to
Quash Subpoenas, it is hereby

ORDERED and DECREED that plaintiffs' subpoenas duces tecum served on Dr. Brooks
and Dr. Askin are QUASHED.

BY THE COURT:

J.

By: David A. Santilli, Esquire
Identification No. 59097
Baginski, Mezzanotte, Hasson and Rubinate
Suite 500 - Public Ledger Building
150 South Independence Mall West
Philadelphia, PA 19106-3476
215-627-3087

ATTORNEY FOR DEFENDANT:

Mr. William Pinamont and Bernadette
Pinamont

KAREN and FLOYD JORDAN, h/w : CIVIL ACTION – LAW
Plaintiffs

vs. : TRIAL DIVISION

WILLIAM and BERNADETTE PINAMONT, : NO. 06-CV-3091
h/w

Defendants :

**MOTION OF DEFENDANTS, WILLIAM AND BERNADETTE PINAMONT, TO
QUASH PLAINTIFFS' SUBPOENAS DUCES TECUM SERVED ON
DR. BROOKS AND DR. ASKIN**

Defendants move to quash plaintiff's subpoenas. In thereof, the defendants aver the following:

1. Plaintiff has served subpoenas duces tecum on both defense experts, Drs. Brooks and Askin, for them to bring every report authored by them in every case identified in the Federal Rule of Civil Procedure 26 Disclosures, with them to their videotaped depositions.
2. Federal Rule of Civil Procedure 26 does not require the production of reports generated by experts in cases testified in over the last four years, nor does it even contemplate opposing parties being able to request same.
3. Neither of the subpoenas limits the production of reports to medical issues similar to the ones contained in the instant case.
4. Federal Rule of Civil Procedure 26(c) permits a party to seek a protective order that disclosure or discovery not be had or that discovery may be had only by a method of discovery

other than that selected by the party seeking discovery. Protective orders are appropriate when it will prevent undue burden.

5. To subpoena both experts to have them produce every report authored in all cases testified in over the previous four years is clearly annoying and unduly burdensome.

6. Plaintiff could certainly cross examine the defense experts by inquiring as to what percentage of cases previously testified in were for the plaintiff's side vs. the defense side.

WHEREFORE, the defendants respectfully request this Honorable Court to enter an Order in the form attached hereto.

Baginski, Mezzanotte, Hasson and Rubinate

By:

David A. Santilli, Esquire
Attorney for Defendants

By: David A. Santilli, Esquire
Identification No. 59097
Baginski, Mezzanotte, Hasson and Rubinate
Suite 500 - Public Ledger Building
150 South Independence Mall West
Philadelphia, PA 19106-3476
215-627-3087

ATTORNEY FOR DEFENDANT:

Mr. William Pinamont and Bernadette
Pinamont

KAREN and FLOYD JORDAN, h/w	:	CIVIL ACTION - LAW
Plaintiffs		
vs.	:	TRIAL DIVISION
WILLIAM and BERNADETTE PINAMONT,	:	NO. 06-CV-3091
h/w		
Defendants	:	

CERTIFICATION OF SERVICE

I, **David A. Santilli**, do hereby certify that service of a true and correct copy of Defendants' Motion in Limine to Quash Plaintiff's Subpoenas Duces Tecum Served on Dr. Brooks and Dr. Askin was made on the **9th day of April, 2007**, to all counsel of record named by United States Mail, postage prepaid.

Mr. David L. Lockard Esquire
16 West Highland Avenue
Philadelphia, PA 19118
(215)753-0661

Baginski, Mezzanotte, Hasson and Rubinate

By:

David A. Santilli, Esquire